

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SCIELE PHARMA, INC., ANDRX  
CORPORATION, ANDRX  
PHARMACEUTICALS, INC. (N/K/A  
WATSON LABORATORIES, INC.-  
FLORIDA), ANDRX PHARMACEUTICALS,  
L.L.C., ANDRX LABORATORIES (NJ),  
INC., ANDRX EU LTD., and ANDRX LABS,  
L.L.C.,

**Plaintiffs,**

**v.**

LUPIN LTD. and LUPIN  
PHARMACEUTICALS, INC.,

**Defendants.**

**Civil Action No. 1:09-37-RBK-JS  
(Consolidated)**

SHIONOGI PHARMA, INC., ANDRX  
CORPORATION, ANDRX  
PHARMACEUTICALS, INC. (N/K/A  
WATSON LABORATORIES, INC.-  
FLORIDA), ANDRX PHARMACEUTICALS,  
L.L.C., ANDRX LABORATORIES (NJ),  
INC., ANDRX EU LTD., and ANDRX LABS,  
L.L.C.,

**Plaintiffs,**

**v.**

MYLAN INC., and MYLAN  
PHARMACEUTICALS INC.,

**Defendants.**

**Civil Action No. 1:10-cv-00135-RBK-JS**

**DECLARATION OF GEORGE J. BARRY III IN SUPPORT OF MYLAN INC. AND  
MYLAN PHARMACEUTICALS INC.'S REPOSE TO PLAINTIFFS' REQUEST TO  
AMEND THEIR INFRINGEMENT AND VALIDITY CONTENTIONS**

Pursuant to 28 U.S.C. § 1746, I, George J. Barry III, declare as follows:

1. I am an attorney with the law firm of McGuireWoods LLP, and am counsel for

Defendants Mylan Pharmaceuticals Inc. and Mylan Inc. (collectively, “Mylan”) in this action.

2. On September 14, 2010, Mylan served Mylan Inc. and Mylan Pharmaceuticals Inc.’s Preliminary Non-Infringement and Invalidity Contentions Pursuant to U.S. District of New Jersey Local Patent Rules on Plaintiffs.

3. On May 9, 2011, Matrix produced documents Bates labeled MATA00000001-MATA0012670. Among the documents produced was the Indian Patent Application filed by Matrix and Bates labeled MATA00012345-MATA00012368.

4. On February 29, 2012, Plaintiffs served Plaintiffs’ Supplemental Infringement Contentions Concerning Defendant Mylan that made no reference to the Indian Patent Application.

5. On March 20, 2012, without seeking leave of Court, Plaintiffs served Plaintiffs’ Response to Mylan’s Preliminary Invalidity Contentions on Mylan.

6. On August 15, 2012, without seeking leave of Court, Plaintiffs served Plaintiffs’ Second Supplemental Infringement Contentions Concerning Defendant Mylan purportedly in response to supplemental interrogatory responses served by Mylan and Lupin.

Dated: February 22, 2013

/s/ George J. Barry III

George J. Barry III